



February 15, 2008

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## ENGROSSED HOUSE BILL No. 1234

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DIGEST OF HB 1234 (Updated February 13, 2008 4:12 pm - DI 71)

**Citations Affected:** IC 20-33.

**Synopsis:** School attendance records and enforcement. Allows certain law enforcement officers to inspect student attendance records and enforce the attendance laws. Requires an affidavit against a parent to enforce the compulsory school attendance law be filed in a court with jurisdiction in the county in which the student resides.

**Effective:** July 1, 2008.

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### Blanton, Austin

(SENATE SPONSORS — CHARBONNEAU, SIPES)

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January 14, 2008, read first time and referred to Committee on Education.

January 24, 2008, reported — Do Pass.

January 29, 2008, read second time, amended, ordered engrossed.

January 30, 2008, engrossed. Read third time, passed. Yeas 95, nays 0.

#### SENATE ACTION

February 4, 2008, read first time and referred to Committee on Education and Career Development.

February 14, 2008, reported favorably — Do Pass.

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EH 1234—LS 6899/DI 109+



February 15, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1234

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-33-2-20, AS ADDED BY P.L.1-2005,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2008]: Sec. 20. (a) An accurate daily record of the attendance  
4 of each student who is subject to compulsory school attendance under  
5 this chapter shall be kept by every public and nonpublic school.

6 (b) In a public school, the record shall be open at all times for  
7 inspection by:

8 (1) attendance officers;

9 (2) school officials; ~~and~~

10 (3) agents of the department of labor;

11 (4) **security police officers appointed under IC 36-8-3-7; and**

12 (5) **school corporation police officers appointed under**  
13 **IC 20-26-16.**

14 Every teacher shall answer fully all lawful inquiries made by an  
15 attendance officer, a school official, ~~or~~ an agent of the department of  
16 labor, **or a security police officer appointed under IC 36-8-3-7.**

17 (c) In a nonpublic school, the record shall be required to be kept

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solely to verify the enrollment and attendance of a student upon request of the:

- (1) state superintendent; or
- (2) superintendent of the school corporation in which the nonpublic school is located.

SECTION 2. IC 20-33-2-26, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 26. (a) It is the duty of each:

- (1) superintendent;
- (2) attendance officer; ~~and~~
- (3) state attendance official;
- (4) security police officer appointed under IC 36-8-3-7; and**
- (5) school corporation police officer appointed under IC 20-26-16;**

to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in ~~the circuit~~ a court **of with jurisdiction in** the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

PORTER, Chair

Committee Vote: yeas 9, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1234 be amended to read as follows:

Page 1, line 10, delete "and".

Page 1, line 11, delete "." and insert "; and".

Page 1, between lines 11 and 12, begin a new line block indented and insert:

**(5) school corporation police officers appointed under IC 20-26-16."**

Page 2, line 9, delete "and".

Page 2, line 10, after ";" insert "**and**".

Page 2, between lines 10 and 11, begin a new line block indented and insert:

**(5) school corporation police officer appointed under IC 20-26-16;"**

(Reference is to HB 1234 as printed January 25, 2008.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1234, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1234 as printed January 30, 2008.)

LUBBERS, Chairperson

Committee Vote: Yeas 6, Nays 0.

**EH 1234—LS 6899/DI 109+**



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